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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,562	10/20/2003	Larry John Chernoff	Chernoff-001	2395

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EXAMINER

CINTINS, IVARS C

ART UNIT PAPER NUMBER

1724

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,562

Applicant(s)

CHERNOFF, LARRY JOHN

Examiner

Ivars C. Cintins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 12, 13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholer (U.S. Patent No. 2,832,373) in view of Avery et al. (U.S. Patent No. 5,022,994; hereinafter "Avery"). Scholer discloses a gravity feed brining system in a water conditioner of the type recited, which system includes a valved manifold, a drain valve, a filter (i.e. strainer 27), an open brine storage tank located above a pressure vessel containing regenerable treatment media, and an overflow drain (81) connected to the brine storage tank (see Figs. 1, 13 and 14; col. 2, line 23; and col. 6, lines 68-72). Accordingly, this primary reference discloses the claimed invention with the exception of the recited programmable processor and sensor. Avery discloses a similar fluid treatment system, and teaches using a programmable processor coupled to a flow sensor and a water quality sensor (i.e. conductivity sensor) in order to initiate regeneration of spent treatment media (see Figs. 7 and 9; and col. 16, lines 6-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Scholer with the programmable processor and sensors of Avery, in order to automate the treatment and regeneration operations in this primary reference system. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the brine storage tank of the thus modified primary reference with a closure (i.e. lid), as required by claim 9, in order to prevent contaminants from entering this brine storage tank.

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Claims 10, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholer in view of Avery, as applied above, and further in view of Heskett (U.S. Patent No. 3,960,721). The modified primary reference discloses the claimed invention with the exception of the separate trays of treatment material. Heskett discloses a similar fluid treatment apparatus, and teaches utilizing a plurality of layers of diverse treatment media (see col. 7, lines 45-49 and 67-68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the modified primary reference with layers (trays) of diverse treatment media, as suggested by Heskett, in order to obtain the advantages disclosed by this secondary reference for the system of the modified primary reference.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scholer in view of Avery, as applied above, and further in view of Harting (U.S. Patent No. 2,744,868). The modified primary reference discloses the claimed invention with the exception of the recited air injector. Harting discloses a similar fluid treatment apparatus, and teaches utilizing an air injector (see col. 1, lines 40-41; and col. 3, lines 4-5) in order to reclassify the treatment material in the apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of the modified primary reference with an air injector, as suggested by Harting, in order to reclassify the treatment material in this modified primary reference system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (571) 272-1155. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Duane Smith, can be reached at (571) 272-1166.

The centralized facsimile number for the USPTO is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
April 2, 2005